

Ms. Sprigs-Smith made a motion to approve Mr. Moore's motion. Ms. Worrick seconded the motion. The motion was passed by roll call.

Mr. Moore states that Mr. Plemons was deficient in Continuing Education hours for the 2016 to 2017 cycle. Mr. Plemons was asked to provide the appropriate number of hours. Mr. Plemons has not provided the hours nor a response. Mr. Moore presented the affidavit and the exhibits to the Committee and administrative staff to review. Judge Mearl accepted each of the exhibits. Judge Mearl explained to the Committee that they were allowed to decide about the contested case based on the evidence presented by Mr. Moore. Mr. Moore presented his closing statement. Mr. Vogt made a motion that Mr. Plemons was deficient in 20 Continuing Education hours for the years of 2016 and 2017 and would need to pay the \$30.00 fee per hour deficient. Ms. Worrick seconded the motion. Ms. Sprigs-Smith opposed the motion. Ms. Sprigs-Smith asked what would opposing the motion mean. Judge Mearl stated it would be recorded that this motion was not unanimous, but the majority of the Committee approved the motion. Then, Judge Mearl asked if Mr. Moore wanted to distribute the final order. Mr. Moore distributed additional documents for the Committee to review. Judge Mearl instructed the Committee that any decision made should be supported by policy. Ms. Sprigs-Smith made a motion to accept the findings of facts presented. Mr. Donaldson seconded the motion. The motion was passed by roll call. Mr. Donaldson made a motion to approve the Conclusion of Law. Ms. Worrick seconded the motion. The motion was passed by roll call. Mr. Donaldson made a motion to accept the policy statement. Mr. Vogt seconded the motion. The motion was passed by roll call. Mr. Donaldson made a motion to approve the ordering portion of the final order. Mr. Vogt seconded the motion. The motion was passed by roll call. Mr. Donaldson made a motion to accept the order as it was written. Ms. Sprigs-Smith seconded the motion. The motion was passed by roll call. Judge Mearl adjourned the case.

Legislative Report

Elizabeth Foy introduced herself before beginning the legislative report.

Public Chapter 37 this chapter instructed that Board members are not to create Rules that exempt Board members from completing and meeting professional duties because they are Board members.

Public Chapter 291 states that the Attorney General cannot approve emergency rule if the rule itself does not meet statutory criteria.

Public Chapter 325 extends the Committee until June 2022.

Public Chapter 328 states that beginning in December 2023, and it will require that all State agencies submit a report of their effective Rules every eight (8) years to the Government Operations Committee. The report will include a description of the departments operation and each chapter and rule it impacts. The administrative history for each rule and when the rule was promulgated will be required. Also, if there were any amendments to the rules and if the rule is adherent to any current state, federal or case law. If there are any false statements in the report, there are repercussions.

Public Chapter 531 prohibits a rule from being promulgated without a Public Hearing. There are a few exceptions including emergency rules and rules that are reducing fees.

Approval of Minutes

Meeting minutes from the May 25, 2021, and August 24, 2021, Polysomnography Professional Standards Committee were approved. Ms. Sprigs-Smith made a motion to approve the minutes. Ms. Worrick seconded the motion. The motion passed by roll call.

Discussion about Tennessee Medical Foundation Referrals

Prior to this meeting, Dr. Saunders referred an applicant to have an evaluation performed by Dr. Baron with the Tennessee Medical Foundation. Dr. Saunders asked the Committee if it was appropriate in the future to continue to make referrals to the Tennessee Medical Foundation. This referral would be for applicants that may appear to be a risk for mental or physical impairment.

The motion will grant the Medical Board Consultant the ability to make a referral to the Tennessee Medical Foundation prior to committee meeting. Mr. Vogt made a motion for the policy. Ms. Sprigs-Smith seconded the motion. The motion was passed by roll call.

Ratify New/Reinstated Licenses and Renewals

Mr. Donaldson made a motion to approve the new/reinstated licenses and renewals. Ms. Worrick seconded the motion. The motion passed by roll call vote.

Out of State Supervision

Dr. Saunders and Ms. Tarr expressed concern about licensed polysomnographers in Tennessee being supervised by out of state physicians. Mr. Moore referenced that the statutes do not mention the supervising physician having to be a licensed physician in Tennessee. Dr. Saunders stated that it can be difficult to discipline a physician that is not licensed in Tennessee. Mr. Moore stated that the polysomnographers' license can be disciplined. Mr. Moore stated that it is not clear if the Committee has the authority to submit this change. Mr. Vogt stated that he wanted to table the issue. Ms. Sprigs-Smith asked Mr. Moore if the issue can be further investigated. Mr. Moore stated that he will bring this issue before the Attorney General's Office.

Reports from the Office of Investigations and Disciplinary Coordinator

Ms. Jamie Byerly, Director of the Office of Investigations, reported that there were three (3) Board Statistical complaints for the Polysomnography profession in 2021. Two (2) were lapsed license practice violations and the other one (1) was for a Continuing Education violation. Ms. Byerly stated that the three (3) complaints were closed and sent to the Office of

General Counsel.

Discussion about Rule 0880-14-.03 (h) and (k)

Dr. Saunders states that the rule can make it difficult for individuals who come from states that do not license polysomnographers. Mr. Moore explained that BRPT is not an investigatory organization that strictly enforces continuing education. Mr. Moore stated that individuals practicing polysomnography in other states that do not require a polysomnography license means the individuals may not be supervised. The discussion was tabled.

Financial Report

The financial report for fiscal year 2021 was the same report from the August 24, 2021, meeting no action was taken.

Manager's Report

Ms. Tarr reported that between August 1, 2021, and November 30, 2021, eleven (11) technologists/technicians, five (5) trainee/student and two (2) reinstatement applications were received in the administrative office.

Total New Licenses Issued

Technologist (Full)	7
Technicians (Temporary)	9
Trainee	0
Number of Renewals	59
Online Renewals	50
Percentage of renewals on-line	84%

The total number of active licensees as of November 30, 2021, are 505. The total number of temporary licenses were 23.

Office of General Counsel

Mr. Moore stated that there are currently two (2) open cases. Mr. Moore stated that the contested case closed the third case. One of the cases pertains to continuing education hours deficiency. The other open case pertains to a lapsed license. Mr. Moore submitted the Agreed Citation to the Committee, for Nathan Hobbs, license number 783. Mr. Moore stated that Mr. Hobbs agreed to pay the civil penalties and complete the penalty continuing education hours. Mr. Vogt made a motion to accept the Agreed Citation for Mr. Hobbs. Ms. Sprigs-Smith seconded the motion. The motion passed by roll call.

Mr. Moore informed the Committee the rule change submitted at the previous meeting was being reviewed.

There being no other Committee business, the meeting was adjourned at 10:45 a.m.